

## Remarks

Claims 1, 3-6 and 10-26 are pending in this application. Claim 10 has been amended in various particulars as indicated hereinabove.

Claims 1 and 3-26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bogardus, US 6,542,185 in view of Rott *et al.* and Silver *et al.*, US 6,931,602. This rejection is respectfully traversed for the following reasons.

Claim 1 requires: selecting and/or instantly generating an optical stimulus at said remote site according to said selected parameters, transmitting said optical stimulus via telecommunication means from said remote site to said local site, and receiving said optical stimulus at the camera.

Independent claims 17, 23, and 24 have similar features.

None of the applied references discloses the remote selection or generation of an optical stimulus, which is transmitted to the local site and then imaged by the camera. The optical target 100 of Bogardus is a mere chart. Column 4, lines 3-24 of Rott merely disclose the remote monitoring of a test object, *i.e.*, transmission tower.

Moreover, claim 1 further requires: repeating image acquisition (step c) and further validating the optimization by acquiring still another image.

The pending Office Action at pages 4 bridging to 5 appears to concede that these steps are also not shown by the applied references.

The Examiner bears the initial burden of establishing a prima facie case. In re Oetiker, 977 F.2d 1443, 1445 (Fed. Cir. 1992). To establish a prima facie case of obviousness, all the claim features must be taught by the prior art. In re Royka, 490 F.2d 981, 985 (CCPA 1974). If examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to a grant of the patent. Oetiker, 977 F.2d at 1445.

Further, the situation in *KSR Int'l Co. v Teleflex* does not seem applicable to the present arguments of the Office Action—here, the Office has not been demonstrated that each of the elements was, even independently, known in the prior art.

In summary, there is no prima facie obviousness. The rejections should be withdrawn.

It is believed that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited. Should any questions arise, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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